

REMARKS

Claims 12, 13, 18-21 and 38-42 stand rejected under 35 U.S.C. 103 as being unpatentable over Zeitman (U.S. Patent No. 5,940,481) in view of Yoshida (U.S. Patent No. 5,877,704).

Zeitman purports to disclose a parking management communication system including a central control unit having a data base, a central interface unit and at least one user interface unit. The central interface unit is in communication with the at least one user interface unit via at least one of a wired and wireless communication link.

Yoshida purports to disclose a parking-site reservation control system. To reserve a parking site, communications is performed between an overhead road device disposed above a road and a vehicle-mounted device installed on the vehicle. See Abstract. A reservation information transmission instruction is transmitted to the vehicle-mounted device and reservation information is awaited. When the reservation information is received, reservation confirmation information is transmitted to the vehicle-mounted device and confirmation is awaited. When reservation confirmation is received, the overhead road device petitions for a reservation to determine if the reservation is acceptable. If the reservation is acceptable, the reservation is processed. If the reservation is not accepted, however, a reservation-information transmission instruction is transmitted to the vehicle-mounted device and reservation information from the vehicle mounted device is awaited. Col. 9, ll. 22-48.

Neither Zeitman nor Yoshida, alone or in combination, disclose or suggest at least "auctioning the good or the service" to the customer. The office action is correct that Zeitman does not disclose or suggest auctioning the good or the service to the customer. Yoshida fails to fill the gaps. An auction is "a sale of property to the highest bidder." See, e.g., Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998, page 75, a copy of which is attached at Appendix A. In Yoshida, if the requested reservation is acceptable, i.e., a parking spot is

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available, a reservation processing number is accepted from the integrated control computer, and the reservation is made. See Col. 9, ll. 36-41. Therefore, there is no auction, e.g., bids from bidders and the sale to the highest bidder, disclosed or suggested in Yoshida. Since neither Yoshida nor Zeitman, alone or in combination, disclose or suggest at least such an auctioning, Applicants respectfully request that the rejection be withdrawn.

In addition, neither Zeitman nor Yoshida, alone or in combination, disclose or suggest "wherein the auctioning allows for at least one offer and at least one counteroffer". The office action is correct that Zeitman does not disclose or suggest that the auctioning allows for at least one offer and at least one counteroffer. Yoshida fails to fill the gap. As discussed in the previous Response to the Office Action, a counteroffer is "a return offer made by one who has rejected an offer." See, e.g., Merriam-Webster's Collegiate Dictionary, Tenth Edition, 1998, page 265. Yoshida does not disclose or suggest a counteroffer. The system of Yoshida discloses that a request for a reservation can be made from the vehicle-mounted device. If the requested reservation is acceptable, the reservation is made and the integrated control computer supplies a reservation processing number. If the requested reservation is not acceptable, another request may be made from the vehicle-mounted device, however, no counteroffer is made by either the overhead road device or the integrated control computer, i.e., the devices that rejected the offer. If a counteroffer were made, then acceptance could be made by the vehicle-mounted device, but this is not the case. Only the integrated control computer can decide that the requested reservation is acceptable. See Col. 9, ll. 22-48. For at least the additional reason that neither Zeitman nor Yoshida, alone or in combination, disclose or suggest the auctioning allowing for at least one offer and at least one counteroffer, Applicants respectfully request that the rejection be withdrawn.

The claims recite auctioning the good or the service to the customer. The claims also recite wherein the auctioning allows for at least one offer and at least

one counteroffer. Since neither Zeitman nor Yoshida, alone or in combination, disclose or suggest at least either of these features, Applicants respectfully request that the rejection to claims 12, 13, 18-21 and 38-42 be withdrawn.

Claims 15 and 22 stand rejected under 35 U.S.C 103(a) as being unpatentable over Zeitman and Yoshida and further in view of Sehr (U.S. Patent No. 6,085,976).

Sehr purports to disclose a travel system and methods that encompass a plurality of service providers and multi-application passenger cards so as to automatically compile, issue, utilize, and process the portable passenger cards for traveling purposes, purchase of travel-related goods and services. The multi-application cards are realized by smart debit and/or credit card technology and have the ability to store and activate a traveler's permit for transportation and other travel services. Biometrics identification of cardholders, as well as cryptographic certification of card data and travel-related information, can optionally be encoded onto the cards and can be verified, including validated, at various point-of-service locations upon presentation of the card. See Abstract.

Neither Yoshida, Zeitman nor Sehr, alone or in combination, disclose or suggest at least "auctioning the good or the service" to the customer. Moreover, neither Zeitman, Yoshida nor Sehr, alone or in combination, disclose or suggest the auctioning allowing for at least one offer and at least one counteroffer. Therefore, for at least these reasons, Applicants respectfully request that the rejection to claims 15 and 22 be withdrawn.

Claims 43 and 59-63 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman in view of DeLorme et al. (U.S. Patent No. 5,948,040). Applicants respectfully traverse.

DeLorme et al. purports to disclose a computerized travel reservation information and planning system that generates "map ticket" output in various media, for guidance and transactions en route. Such print or electronic documents can include bar or alphanumeric codes for automated recognition

and/or access. Menus enable flexible user inquiries accessing selectable geographic, topical, temporal and transactional data records and relational processing. Sub-menus provide further capabilities: e.g. routing, topical searching; searches of events calendars, almanacs, appointment books, related itinerary scheduling; trip budgeting issues, plus travel arrangement availabilities or other goods/services offers. Online communications links access updated or supplemental information on places, times, topics and other provider goods/service offers. See Abstract.

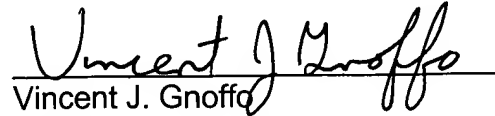
Neither Yoshida, Zeitman, or Delorme et al., alone or in combination, disclose or suggest at least "auctioning the good or the service" to the customer. Moreover, neither Zeitman, Yoshida nor Delorme et al., alone or in combination, disclose or suggest the auctioning allowing for at least one offer and at least one counteroffer. For at least this reason, Applicants respectfully request that the rejection to claims 43 and 59-63 be withdrawn.

Claims 67-68 stand rejected under 35 U.S. C. 103(a) as being unpatentable over Zeitman in view of DeLorme. As discussed above, neither Zeitman nor DeLorme, alone or in combination, disclose or suggest at least the feature of the independent claims of auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer. Thus, for at least these reasons, Applicants respectfully request that the rejection to claims 66-68 be withdrawn.

Where the Office Action takes Official Notice, Applicants respectfully traverse and request that an appropriate prior art reference be supplied.

For all of the above reasons, Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is invited to contact the undersigned attorney at (312) 321-4224 if there are any outstanding issues that could be resolved through a telephone conference.

Respectfully submitted,


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Dictionary**

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r. MF & L: MF *attempter*. fr. L *attempt*.
h. try — more at **TEMP** (14c) 1: to
ish, solve, or effect (~ed to swim the
t 3 *archaic*: to try to subdue or take
able \-tem(p)-tə-bəl adj
SSAY: STRIVE mean to make an effort to
resses the initiation or beginning of an
up the rare bird). TRY is often close to
r experiment made in the hope of test-
ing to determine which was the better
and the implications of exertion and
ash survivors in the mountains). ESSAY
ests tentative trying or experimenting
he first time). STRIVE implies great ex-
d specifically suggests persistent effort

t or an instance of attempting; esp: an
ing resulting from or representing an
w ~s at rose bushes —Marian Engel)
e life of the president)

attendre, fr. L *attendere*, lit., to stretch
— more at **THIN** (14c) 1: to pay
take charge of (campsites) ~ed by
3 a: to go or stay with as a com-
4 visit professionally as a physician 4

be in store for 5: to be present with
it: go to (~law school) ~vi 1: to
2: to apply the mind or pay atten-
service (ministers who ~ upon the
WAIT, STAY 5: to direct one's atten-

ender n
14c) 1: the act or fact of attending (a
sons or number of persons attending
ber of times a person attends
re employed by a public-school system
nces of pupils

c) 1: one who attends another to
mployee, who waits on customers 2
CONCOMITANT 3: ATTENDEE
any, waiting upon, or following in
b and Seraph ~ on their Lord ~
ng or following as a consequence or
n)

7) a person who is present on a given
it a convention)
1923) : serving as a physician on the
rgeon)
4 often (-),ten(-)ch)-tə n [ME *atten-*
r. *attendere*] (14c) 1: a: the act or
plying the mind to an object of sense
e adness, for such attention involving
sing of consciousness and receptivity
nsideration with a view to action (a
a: an act of civility or courtesy esp.
nsideration of the needs and wants of
sition assumed by a soldier with heels
sides, and eyes to the front — often
nal \-ten(t)-sh(-)nəl adj
1980) : a syndrome of learning and
used by any serious underlying phys-
racterized esp. by difficulty in sustain-
r (as in speaking out of turn), and

usu. placed above the salutation in a
to one specified
lth of time during which an individ-
is interested

1: MINDFUL, OBSERVANT (~ to what
omfort of others: SOLICITOUS 3: of
role of a suitor — at-ten-tive-ly adv

-at-ed; -at-ing [L *attenuatus*; pp. of
tenus thin — more at **THIN**] vt (15c)
to make thin in consistency: RAREFY
magnitude, or value of: WEAKEN 4
or vitality of ~vi: to become thin.
ten-yə-wə-shən n
(15c) 1: attenuated esp. in thick-
ing gradually usu. to a long slender

924) : a device for attenuating; esp
of an electrical signal without appre-

L *attestari*, fr. *ad-* + *testis* witness —
a: to affirm to be true or genuine;
g as a witness b: to authenticate
ify the usage of 3: to be proof of
grity) 4: to put on oath ~vi: to
dief). *syn* see CERTIFY — at-tes-ta-

—at-tes-ter \-tes-tər n
ue of Attica, fr. L *Atticus*] (ca. 1696)
nain order of a facade in the classical
3: a room or a space immediately
ARRET 4: something resembling an

ttica, fr. Gk *Attikos*, fr. *Attikē* Attica,
to, or having the characteristics of,
2: marked by simplicity, purity,
cient Greek orig. used in Attica and
reck-speaking world:

at-ti-cism \ə-ti-si-zəm n, often cap (1593) 1: a witty or well-turned
phrase 2: a characteristic feature of Attic Greek occurring in another
language or dialect

at-tire \ə-tīr-ē vt **at-tired**; **at-tiring** [ME, fr. OF *atirer*, fr. *a-* (fr. L
ad-) + *tire* order, rank, of Gmc origin; akin to OE *tīr* glory, ornament]
(14c) : to put garments on: DRESS, ARRAY; esp: to clothe in fancy or
rich garments

at-tire n (14c) 1: DRESS, CLOTHES; esp: splendid or decorative clothing
2: the antlers or antlers and scalp of a stag or buck

at-ti-tude \ə-ti-ti-d, -ti-yū-d n [F, fr. It *attitudine*, lit., aptitude, fr. LL
aptitudo, *aptitudo* fitness — more at **APTITUDE**] (1668) 1: the ar-
rangement of the parts of a body or figure: POSTURE 2: a position
assumed for a specific purpose (a threatening ~) 3: a ballet position
similar to the arabesque in which the raised leg is bent at the knee 4

a: a mental position with regard to a fact or state b: a feeling or
emotion toward a fact or state 5: the position of an aircraft or space-
craft determined by the relationship between its axes and a reference
datum (as the horizon or a particular star) 6: an organismic state of
readiness to respond in a characteristic way to a stimulus (as an object,
concept, or situation) 7 a: a negative or hostile state of mind b: a
cocky or arrogant manner

at-ti-tu-di-nal \ə-ti-ti-dī-nəl, -ti-yū-ə-dj [attitude + -inal (as in *aptitu-*
dinal, fr. *aptitudo*, *aptitudo*)] (1831) : relating to, based on, or ex-
pressive of personal attitudes or feelings (~ judgment) — at-ti-tu-di-
nal-ly \-lē-ə-dv

at-ti-tu-di-ni-ze Brit var of ATTITUDE
at-ti-tu-di-ni-ze \ə-ti-ti-dī-nī-z, -ti-yū-ə-wī-nī-zed; -nī-z-ing (1784) : to
assume an affected mental attitude: POSE

at-to \ə-tō \-hō comb form [ISV, fr. Dan or Norw *atten* eighteen, fr. ON
atján; akin to OE *eahhtene* eighteen] : one quintillionth (10⁻¹⁸) part
of (antigram)

at-torn \ə-törn vt **at-tourn**, fr. MF *atourner*, fr. OF, fr. *a-* (fr. L
ad-) + *turner* to turn] (15c) : to agree to be tenant to a new owner or
landlord of the same property — at-torn-ment \-mənt n

at-tor-ney \ə-tor-nē n, pl **at-tor-neys** [ME *atourney*, fr. MF *atornē*, pp. of
atourner] (14c) : one who is legally appointed to transact business on
another's behalf; specif: a legal agent qualified to act for suitors and
defendants in legal proceedings — at-tor-ney-ship \-shīp n

attorney-at-law n, pl **attorneys-at-law** (1768) : a practitioner in a
court of law who is legally qualified to prosecute and defend actions in
such court on the retainer of clients

attorney general n, pl **attorneys general** or **attorney generals**
(1585) : the chief law officer of a nation or state who represents the
government in litigation and serves as its principal legal adviser

at-tract \ə-trakt vb [ME, fr. L *attrahere*, pp. of *attrahere*, fr. *ad-* +
trahere to pull, draw] vt (15c) : to cause to approach or adhere: as a
: to pull to or draw toward oneself or itself (a magnet ~s iron) b: to
draw; by appeal to natural or excited interest, emotion, or aesthetic
sense; ENTICE (~ attention) ~vi: to exercise attraction — at-trac-
tor \-trak-tər n

syn ATTRACT, ALLURE, CHARM, CAPTIVATE, FASCINATE, ENCHANT mean to
draw another by exerting a powerful influence. ATTRACT applies to any
degree or kind of ability to exert influence over another (students
attracted by the school's locale). ALLURE implies an enticing by what is
fair, pleasing, or seductive (an alluring smile). CHARM implies the
power of casting a spell over the person or thing affected and so com-
pelling a response (charmed by their hospitality), but it may, like
CAPTIVATE, suggest no more than evoking delight or admiration (her
performance captivated audiences). FASCINATE suggests a magical
influence and tends to stress the ineffectiveness of attempts to resist (a
story that continues to fascinate children). ENCHANT is perhaps the
strongest of these terms in stressing the appeal of the agent, and the
degree of delight, evoked in the subject (hopelessly enchanted by her
beauty).

at-trac-tance \-tən(t)-s n (1948) : ATTRACTANCY
at-trac-tan-cy \ə-trak-tən(t)-sē n (1948) : the quality or capacity (as
of a pheromone) of attracting

at-trac-tant \ə-trak-tənt n (1920) : a substance (as a pheromone) that
attracts insects or other animals

at-trac-tion \ə-trak-shən n (14c) 1 a: the act, process, or power of
attracting b: personal charm 2: the action or power of drawing
forth a response: an attractive quality 3: a force acting mutually
between particles of matter, tending to draw them together, and resist-
ing their separation 4: something that attracts or is intended to at-
tract people by appealing to their desires and tastes (coming ~s)

syn ATTRACTION, AFFINITY, SYMPATHY mean the relationship existing
between things or persons that are naturally or involuntarily drawn
together. ATTRACTION implies the possession by one thing of a quality
that pulls another to it (felt an attraction to danger). AFFINITY implies
a susceptibility, or predisposition on the part of the one drawn (~
affinity for mathematics). SYMPATHY implies a reciprocal or natural
relation between two things that are both susceptible to the same
influence (two minds in sympathy)

at-trac-tive \ə-trak-tiv adj (14c) 1: having or relating to the power
to attract (~ forces between molecules) (an ~ offer) 2: arousing
interest or pleasure: CHARMING (an ~ smile) — at-trac-tive-ly adv —
at-trac-tive-ness n

at-tri-bute \ə-tri-byūt n [ME, fr. L *attributus*, pp. of *attribuere* to
attribute, fr. *ad-* + *tribuere* to bestow — more at **TRIBUTE**] (14c) 1
: an inherent characteristic; also: an accidental quality 2: an object
closely associated with or belonging to a specific person, thing, or of-
fice (a scepter is the ~ of power); esp: such an object used for identifica-
tion in painting or sculpture 3: a word ascribing a quality; esp
: ADJECTIVE *syn* see QUALITY

at-tri-bute \ə-tri-byūt, -byāt vt **at-tributed**; **at-tributing** (1530) 1: to ex-
plain by indicating a cause (attributed his success to his coach) 2 a
: to regard as a characteristic of a person or thing b: to reckon as
made or originated in an indicated fashion (attributed the invention to
a Russian) c: CLASSIFY, DESIGNATE *syn* see ASCRIBE — at-tri-bu-
table \-byū-tə-bəl, -byā-ə-dj

at-tri-bu-tion \ə-tri-byū-shən n (1651) 1: the act of attributing; esp
: the ascribing of a work (as of literature or art) to a particular author
or artist 2: an ascribed quality, character, or right — at-tri-bu-tion-
al \-sh(-)nəl adj

at-trib-utive \ə-tri-byə-tiv adj (1606) 1: relating to or of the nature
of an attribute: ATTRIBUTING 2: joined directly to a modified noun
without a linking verb (ās city in city streets) — attributive n — at-
trib-utive-ly adv

at-trib-uted \ə-tri-təd adj (1760) : worn by attrition
at-trib-ution \ə-tri-shən, -a- n [L *attritio*-, *attritio*, fr. *attere* to rub
against, fr. *ad-* + *tere* to rub — more at **THROW**] (14c) 1 [ME *attrici-*
oun, fr. ML *attritio*-, *attritio*, fr. L] : sorrow for one's sins that arises
from a motive other than that of the love of God 2: the act of rub-
bing together: FRICTION; also: the act of wearing or grinding down by
friction 3: the act of weakening or exhausting by constant harass-
ment, abuse, or attack 4: a reduction in numbers usu. as a result of
resignation, retirement, or death — at-trib-ution-al \-tri-sh(-)nəl adj

at-tune \ə-tūn, -ti-yūn vt (1596) 1: to bring into harmony: TUNE 2
: to make aware or responsive (~ businesses to changing trends) —
at-tune-ment \-mənt n

at-wit-ter \ə-twi-tər adj (1833) : nervously concerned: EXCITED (gos-
sips ~ with speculation — Time)

atyp-i-cal \ə-ti-pi-kəl adj (1885) : not typical: IRREGULAR, UN-
USUAL — atyp-i-cal-ity \ə-ti-pi-ka-lə-tē n — atyp-i-cal-ly \ə-ti-
pi-ka-lē-ə-dv

au-bade \ə-bād n [F, fr. MF, of OPov *aubada*, fr. *alba*; *auba* dawn,
fr. (assumed) VL *alba*, fr. L fem. of *albus* white — more at **ALB**] (ca.
1678) 1: a song or poem greeting the dawn 2 a: a morning love
song b: a song or poem of lovers parting at dawn 3: morning mu-
sic — compare NOCTURNE

au-berge \ə-berzh n [F, fr. MF, of Gmc origin; akin to OHG *heri-*
berga military quarters — more at **HARBOR**] (1599) : INN la

au-ber-gine \ə-bar-zhēn n [F, fr. Catal *alberginia*, fr. Ar *al-bādhinjān*
the eggplant] (1794) 1 chiefly Brit: EGGPLANT 2: EGGPLANT 2

au-burn \ə-börn adj [ME *auborne* blond, fr. MF, fr. ML *alburnus*
whitish, fr. L *alburnum* sapwood] (15c) 1: of the color auburn 2
: of a reddish brown color

auburn n (1613) : a moderate brown
Au-bus-son \ə-bə-sōn n [Aubusson, town in France] (1851) : a fig-
ured scenic tapestry used for wall hangings and upholstery; also: a rug
woven to resemble Aubusson tapestry

au-cour-ant \ə-kū-rānt adj [F, lit., in the current] (1762) 1 a: fully
informed: UP-TO-DATE b: FASHIONABLE, STYLISH 2: fully familiar
: CONVERSANT

au-ction \ə-k-shən n [L *auktion*-, *auctio*, fr. *augere* to increase — more
at **EKE**] (1595) 1: a sale of property to the highest bidder 2: the act
or process of bidding in some card games

au-ction vt **au-ctioned**; **au-ction-ing** \-sh(-)nig (ca. 1798) : to sell
at auction (~ed off his library)

au-ction bridge n (1908) : a bridge game differing from contract bridge
in that tricks made in excess of the contract are scored toward game.

au-ction-er \ə-k-shə-nēr n (ca. 1708) : an agent who sells goods at
auction

au-to-ri-al \ə-k-tōr-ē-əl, -tōr-ē-əl adj [L *auctor* author — more at **AU-**
THOR] (1821) : of or relating to an author

au-da-cious \ə-dā-shəs adj [MF *audacieux*, fr. *audace* boldness, fr. L
audacia, fr. *audac*, *audax* bold, fr. *audere* to dare, fr. *avidus* eager —
more at **AVID**] (1550) 1 a: intrepidly daring: ADVENTUROUS (an ~
mountain climber) b: recklessly bold: RASH 2: contemptuous of
law, religion, or decorum: INSOLENT, 3: marked by originality and
verve — au-da-cious-ly adv — au-da-cious-ness n

au-da-ci-ty \ə-dā-si-tē n, pl **-ties** [ME *audacie*, fr. L *audac*, *audax*]
(15c) 1: the quality or state of being audacious: as a: intrepid bold-
ness b: bold or arrogant disregard of normal restraints 2: an auda-
cious act — usu. used in pl. *syn* see TEMERITY

au-di-al \ə-dē-əl adj [audio + -al] (1966) : of, relating to, or affect-
ing the sense of hearing: AURAL

au-di-ble \ə-dā-bəl adj [L *audibilis*, fr. L *audire* to hear; akin to Gk
aisthanesthai to perceive, *Skti* avis evidently] (1529) : heard or capable
of being heard — au-di-bil-i-ty \ə-dā-bi-lə-tē n — au-di-bly \ə-dā-
bi-lē-ə-dv

audible n (1962) : a substitute offensive or defensive play called at the
line of scrimmage in football

au-di-ence \ə-dē-ən(t)-s, -ā- n [ME, fr. MF, fr. L *audientia*, fr. *audi-*
ent-, *audiens*, pp. of *audire*] (14c) 1: the act or state of hearing 2 a
: a formal hearing or interview (an ~ with the pope) b: an opportu-
nity of being heard (I would succeed if I were once given ~) 3 a: a
group of listeners or spectators b: a reading, viewing, or listening
public 4: a group of ardent admirers or devotees: FOLLOWING

au-dile \ə-dil adj [auditory + -ile (as in *tactile*)] (1897) : AUDITORY
au-dile \ə-dil n [L *audire* + E -ing] (ca. 1949) : the process of hear-
ing, recognizing, and interpreting spoken language

au-dio \ə-dē-ō adj [audio] (1916) 1: of or relating to acoustic,
mechanical, or electrical frequencies corresponding to normally audible
sound waves which are of frequencies approximately from 15 to 20,000
hertz 2 a: of or relating to sound or its reproduction and esp. high-
fidelity reproduction b: relating to or used in the transmission or
reception of sound — compare VIDEO c: of, relating to, or utilizing
recorded sound

audio n (1934) 1: an audio signal; broadly: SOUND 2: the section of
television or motion-picture equipment that deals with sound 3: the
transmission, reception, or reproduction of sound

audio- comb form [L *audire* to hear] 1: hearing (audiometer) 2
: sound (audiophile), 3: auditory and (audiovisual)

au-dio-an-i-ma-tron-ic \ə-dē-ō-a-nə-mā-trā-nik adj [fr. *Audior*
Animatronics, a trademark] (1964) : being or consisting of a lifelike
electromechanical figure of a person or animal that has synchronized
movement and sound

au-dio-book \ə-dē-ō-būk n (1988) : TALKING BOOK
au-dio-cas-sette \ə-dē-ō-kā-set, -kā- n (1971) : an audiotape re-
cording mounted in a cassette

\ə but \-y kitten \-f table \-f further \-f ash \-f āc \-f mop \-f mar
\-f out \-f chin \-f bet \-f easy \-f gv \-f hit \-f āc \-f job
\-f sing \-f go \-f law \-f boy \-f th \-f thin \-f the \-f lout \-f foot
\-f yet \-f vision \-f k, g, c, e, u, ē, \-f see Guide to Pronunciation

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